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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/625,071	07/25/2000	Shahram Mostafazadeh	NS-3877-2D US	7795

22434 7590 07/25/2002

BEYER WEAVER & THOMAS LLP
P.O. BOX 778
BERKELEY, CA 94704-0778

EXAMINER

CLARK, SHEILA V

ART UNIT	PAPER NUMBER
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2815

DATE MAILED: 07/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/625,071

Applicant(s)
Mostafazadeh et al

Examiner
Sheila V. Clark

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2815



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 24, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-13 and 15-44 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-13, 15, and 17-44 is/are rejected.
- 7) ☒ Claim(s) 16 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-12 rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's prior art figures 1a- 1d.

Applicant's prior art figures show a lead frame panel 110 having an array of integrated circuit packages 190 having chip sitting on a die attach pad, leads 120 are shown formed around said pad and said leads formed coplanar with the lower surface of said die attach pad is shown in figure 1C. Figure 1C also shows a plurality of bond wires 140 coupled to said lead and plastic encapsulation 160 is also shown exposing a lower surface of said pad and leads solder balls 150 are also shown.

Applicant's prior art fails to teach specific use of a cap but the encapsulated surface structure is disclosed to be formed over all said chips 130 and is disclosed as characteristic of a cap structure. As it is disclosed as having the characteristics of a cap the said encapsulated surface structure of the applicant's prior art is deemed to obvious a cap recited in the claims.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 13-13, 15, 17, 18-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Lin et al.

Lin et al shows an integrated circuit package having a lead frame comprising a die attach pad 13, leads 13 positioned around said pad and the outer surfaces of said leads are shown coplanar with the lower surface of said pad. Bond wires 18 and encapsulation 22 are also shown and wherein said encapsulation is shown exposing the lower surface of pad and leads 13. Removable adhesive pad 12 (col. 3 line 44, peeling) is also shown. Figure 9 shows the use of a plurality of packages and metal panel 50 is shown. Figures 2 and 4 show singulated devices.

The claims such as for example 14, 15, 17 , 33 contain method of making characteristics (i.e fabricated simultaneously, prior to singulation, fabricated, sawing) given no patentable weight in determining the final device structure.

Note that a "product by process" claim is directed to the product per se, no matter how actually made, In re Hirao 190 USPQ 15 at 17(footnote 3). See also In re Brown, 173 USPQ 685; In re Luck, 177 USPQ 523; In re Fessman, 180 USPQ 324; In re Avery, 186 USPQ 161 and In re Marosi et al, 218 USPQ 289, all of which make it clear that it is the patentability of the final product per se which must be determined in "product by process" claims, and not the patentability of the process, and that, as here, an old or obvious product produced by a new method is not patentable as a product, whether claimed in "product by process" claims or not.

Tie bars are shown in Figure 9 connected to the outer surface of leads 13. Figure 3 shows plastic encapsulation 22 showing side walls that are substantially perpendicular to a bottom surface of the package. Said encapsulation having sharp corners are also shown.

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Claims 11-13, 15 and 17-44 are rejected.

Claim 16 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims along with additional claim language to be suggested by the Examiner (please call for language suggestion).

Applicant's arguments filed 4-24-2002 have been fully considered but they are not persuasive. The references are deemed to teach the features of the invention as they are recited. It is suggested that the applicant consider calling the Examiner to discuss amendments to the claims so that the claims may be ^{further} ~~further~~ considered for allowance.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner S.V. Clark whose telephone number is (703) 308-4924.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Lee, can be reached on (703) 308-1690. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722 or 7724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

July 15, 2002



SHEILA V. CLARK
PRIMARY EXAMINER